



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,449	07/25/2006	Willem Auke Westerhof	NL040093US1	1223
24738 7590 12/27/2011 PHILIPS INTELLECTUAL PROPERTY & STANDARDS PO BOX 3001 BRIARCLIFF MANOR, NY 10510-8001				
EXAMINER DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
NOTIFICATION DATE		DELIVERY MODE		
12/27/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vera.kublanov@philips.com

debbie.henn@philips.com

marianne.fox@philips.com

Office Action Summary

Application No.

10/587,449

Applicant(s)

WESTERHOF ET AL.

Examiner

CLARK F. DEXTER

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-14,16,17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-14,16,17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application on January 24, 2011 after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

3. Claims 1, 3-9, 11-14, 16, 17 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Aviza, PG Publication 2005/0126007.

Aviza discloses a razor apparatus/assembly in various forms with almost every structural limitation of the claimed invention including a grip portion connected to a blade assembly, the details of are described in the previous Office action.

Aviza lacks the specific structure of the adjustable guiding member including:

"a mechanism operable to be actuated while shaving to adjust the adjustable guiding member, the mechanism includes a first element for up-down movement, the first element and the adjustable guiding member are attached and are of substantially same size, a second element for lateral movement, the second element raising and lowering the first element, and at least two resilient elements for maintaining the adjustable guiding member parallel to the other guiding member,

wherein a lateral displacement of the second element in a direction parallel to said plane moves the adjustable guiding member in the direction perpendicular to said plane."

That is, Aviza discloses, teaches and/or suggests various structures for raising and lowering the guiding member including a screw but lacks two resilient elements for maintaining the adjustable guide element parallel to the other guiding member. However, the Examiner takes Official notice that such resilient elements are old and well known in mechanical engineering arts and one having ordinary skill in the razor art

would certainly be familiar with the application of such elements and the benefits thereof. For example, such resilient elements are often used with adjusting devices to reduce or eliminate play during adjustment. Additionally, such resilient elements are often used in conjunction with adjustment devices that are quickly restorable back to an initial position (e.g., removal of a pawl enables the resilient element(s) to restore the adjusted component back to an initial position. Therefore, it would have been obvious to one having ordinary skill in the art to provide such an equivalent adjustment structure on the apparatus of Aviza to gain the well known benefits including that described above.

Further regarding claims 5, 11 and 12, Aviza discloses a razor apparatus/assembly with almost every structural limitation of the claimed invention **but lacks** the adjustable guiding member being adjustable in the claimed manner including above the plane as follows:

[claim 5] wherein the top surface of said adjustable guiding member is adjustable between and including a lowermost position, where the top surface of the adjustable guiding member is in said plane and an uppermost position, wherein said some distance where the top surface of the adjustable guiding member is above said plane;

[claim 11] wherein the at least one guiding member is adjustable to an uppermost position where the top surface of the at least one guiding member is disposed at a distance of greater than 2 mm above said plane and is adjustable to a lowermost position where the top surface of the at least one guiding member is in said plane;

[claim 12] wherein the position of the at least one of the two guiding members is adjustable to an uppermost position where said top surface is disposed at a distance of

greater than 2 mm above said plane and is adjustable to a lowermost position where the top surface of the at least one of the two guiding members is in said plane.

However, it is old and well known in the art to provide such an adjustment range of such an adjustable member for various well known benefits including obtaining desired shaving characteristics. Therefore, it would have been obvious to one having ordinary skill in the art to provide such an adjustment range for the adjustable member of Aviza to gain the well known benefits including that described above.

Further regarding claims 13, 14 and 17, Aviza discloses a razor apparatus/assembly in various forms with almost every structural limitation of the claimed invention including a blade assembly as described in detail above and further including:

[claim 14] wherein the adjustable guiding member is a lubricating member (e.g., see paragraph 0104) and wherein the other of the two guiding members is a skin stretching member (e.g., the corresponding structure of Aviza is fully capable of performing such a function to at least some extent),

[claim 17] wherein the at least one of the two guiding members is a lubricating member (e.g., see paragraph 0104) and wherein the other of the two guiding members is a skin stretching member (e.g., the corresponding structure of Aviza is fully capable of performing such a function to at least some extent), and wherein the at least one of the two guiding members is positioned to contact a portion of skin after the one or more blades.

Aviza lacks:

wherein the adjustable guiding member is positioned to contact a portion of skin after the one or more blades.

However, it is old and well known in the art to provide such lubricating (such as component 24 of Aviza) behind of the blade(s) for various well known benefits including obtaining desired shaving characteristics. Aviza discloses such lubricating structure in such a position in other embodiments, namely those of Figures 7 and 11. Therefore, it would have been obvious to one having ordinary skill in the art to provide the combination of the skin stretching member in front of the blade(s) and the lubricating member behind the blade(s) to gain the well known benefits including that described above.

Further, in the alternative, if it is argued that Aviza lacks an explicit disclosure that the other guiding member is a skin stretching member, it is old and well known in the art to provide such skin stretching members in front of the blade(s) for various well known benefits including obtaining desired shaving characteristics. Aviza discloses a skin stretching member in such a position in other embodiments, namely those of Figures 2, 5, 6 and 8. Therefore, it would have been obvious to one having ordinary skill in the art to provide the combination of the skin stretching member in front of the blade(s) and the lubricating member behind the blade(s) to gain the well known benefits including that described above.

Response to Arguments

4. Applicant's arguments filed December 27, 2010 have been fully considered but they are not persuasive.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLARK F. DEXTER whose telephone number is (571)272-4505. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
December 19, 2011